



The Dental Digest

Mississippi State Board of Dental Examiners

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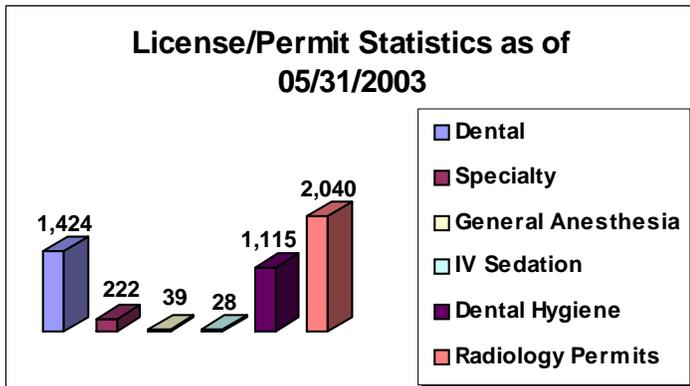
The Mississippi State Board of Dental Examiners is charged with the responsibilities of examining, licensing, registering, and regulating dentistry and dental hygiene to ensure competency and ethics among all dental professionals in the State of Mississippi, for the ultimate goal of safeguarding and enhancing the health and welfare of the citizens of this State. As such, the Board is neither affiliated with nor functions as a subsidiary of any private or professional organization.

Welcome to the June 2003 edition of the Dental Digest. The primary focus of this edition will be amendments to various Board regulations during 2002 and early 2003, as well as a brief section noting minor changes made to the Mississippi Dental Practice Act during the 2003 Legislative Session. Amendments to Board regulations are featured in our "Regulation Highlight" section, and particular attention should be paid to amendments made to Board Regulation 43, which deals with advertising by dental professionals. As always, you will want to review "Things to Note," as this section contains a variety of information useful to our licensees and permit holders. Additionally, the Board's forms, laws, regulations, newsletters, examination manuals, databases, statistics, frequently asked questions, etc., may be found on our web site (<http://www.msbde.state.ms.us>). Enjoy the newsletter, and, as always, feel free to contact our office if you have any questions.



As part of its legislatively-mandated regulatory responsibilities, the MSBDE must enforce the laws of this State and enact any regulations necessary to ensure consistent and ethical compliance with these laws. Accordingly, when deemed appropriate and as a means of establishing uniform policies for all dental professionals in Mississippi, the MSBDE enacts and/or amends regulations. Whenever a regulation is enacted or amended, it must be filed immediately with the Mississippi Secretary of State and is not considered approved until thirty (30) days after filing. At that time, a "final filing" must be effected with the Mississippi Secretary of State, and the adopted or amended regulation becomes final thirty (30) days after that filing date.

As a regular feature of the Dental Digest, the MSBDE highlights regulations that have been amended/enacted. Since the July 2002 newsletter, the MSBDE has amended Regulations 3, 7, 13, 25, 37, 43, 49, 55, and 57. When possible, regulations have been reprinted in their entirety; however, depending on the amendments, a synopsis for some regulations may be provided for your review. A fee of \$10.00 per copy is charged for bound copies of the Mississippi Dental Practice Act and the Board's rules and regulations; however, copies of individual regulations may be obtained by calling or writing the Board's office. Also, copies of the Board's laws and regulations may be obtained on its web site (<http://www.msbde.state.ms.us>) either in Adobe Acrobat or HTML format. Just click on the "Laws & Regulations" button and select how you wish to view or print a current copy of the Board's laws and regulations.



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BOARD REGULATION NUMBER 3 REGULATION OF INDIVIDUALS WITH LESS THAN FULL LICENSURE

On September 13, 2002, the Board amended Regulation 3 to change Code section numbers to correlate to the re-numbering caused by changes to the Mississippi Dental Practice Act approved during the 2002 Legislative Session. These changes were minor in nature, and this regulation is not being reprinted in this newsletter.

BOARD REGULATION 7 PROVISIONAL AND SPECIALTY LICENSURE

On September 13, 2002, the Board amended Regulation 7 by deleting language requiring a Provisional Residency License while participating in dental residency programs offered by the UMC School of Dentistry, inasmuch as the requirement for residents to have a license issued by the Board was removed from the Mississippi Dental Practice Act during the 2002 Legislative Session. On May 9, 2003, the Board amended Regulation 7 by incorporating language to (a) allow licensure for candidates who have not yet passed all parts of the National Board examinations, with the stipulation that all parts must be successfully completed within two (2) years of initial licensure; and (b) allow licensure for candidates who not only have held faculty appointments in a foreign country but also at institutions accredited by the American Dental Association. This regulation is being reprinted in its entirety in this newsletter.

Pursuant to its authority under Miss. Code Ann. §§ 73-9-3, 73-9-28 and 73-9-29, the Board may, in its discretion, award (a) licenses, other than regular licenses, to practice dentistry or dental hygiene in this State to individuals selected for the faculty of any college of dentistry, college of dental hygiene, or other dental auxiliary program, and for participants in any Board-approved fellowship program; and (b) specialty licenses to licensed dentists who meet all criteria therefor.

1. The types and requirements for issuance of provisional licenses.
 - a. Provisional License
 - (1) A provisional license shall authorize the licensee to perform only the following:
 - (a) instruction;
 - (b) the performance of dentistry or dental hygiene adjunct to instruction; and
 - (c) participation in intramural practice plans, subject to the limitations set forth in Section 2 of this Regulation.
 - (2) A provisional license may be awarded by the Board if the applicant meets the following criteria:
 - (a) the applicant is a graduate of a fully accredited dental or dental hygiene school; and
 - (b) the applicant is currently certified by the Joint Commission on National Dental Examinations or successfully completes all components of the examinations administered by the Joint Commission on National Dental Examinations and becomes certified within two (2) years from the date of licensure in this State; and
 - (c) the applicant is licensed to practice in at least one state in the United States; and
 - (d) the applicant has not failed the Mississippi dental or dental hygiene licensure examination; and
 - (e) the applicant is recommended for such licensure by the Dean of the institution at which he is to teach; and
 - (f) the applicant accurately completes the appropriate application for licensure, submits to an interview before the Board, and successfully completes a jurisprudence examination prior to be-

- (g) the applicant has held what was known as a provisional license prior to August 1, 1984, and is recommended by the Dean of the institution at which he/she is to teach for a provisional license under these amendments.
 - (3) A provisional license shall be valid for one year and may be renewed annually upon written verification from the Dean that the licensee continues to be employed in a teaching capacity by the institution and payment of the applicable renewal fee. However, should the applicant fail to successfully complete all components of the examinations administered by the Joint Commission on National Dental Examinations within two (2) years from the date of licensure, the applicant's provisional license shall be revoked.
 - (4) Provisional licenses shall be awarded only to full-time faculty.
 - b. Provisional Teaching License
 - (1) A teaching license shall authorize the licensee to perform only the following:
 - (a) instruction; and
 - (b) performance of dentistry or dental hygiene adjunct to instruction; and
 - (c) nonmechanical consultation with Federal or State agencies, whether for a fee or not.
 - (2) A teaching license may be awarded by the Board if the applicant meets the following criteria:
 - (a) the applicant is either a graduate of a fully accredited dental or dental hygiene school in the United States, or the applicant is licensed to practice dentistry or dental hygiene in a foreign country, and either holds a faculty appointment in a dental or dental hygiene school in such foreign country or a dental or dental hygiene school accredited by the American Dental Association; and
 - (b) the applicant is currently certified by the Joint Commission on National Dental Examinations or successfully completes all components of the examinations administered by the Joint Commission on National Dental Examinations and becomes certified within two (2) years from the date of licensure in this State; and
 - (c) the applicant is recommended for such licensure by the Dean of the institution at which the applicant is to teach; and
 - (d) the applicant accurately completes the appropriate application for licensure, submits to an interview before the Board, and successfully completes a jurisprudence examination prior to beginning employment with the institution at which the applicant is to teach.
 - (3) A teaching license shall be valid for a period of one year and may be renewed annually upon written verification from the Dean that the licensee continues to be employed in a teaching capacity by the institution and payment of the applicable renewal fee.

However, should the applicant fail to successfully complete all components of the examinations administered by the Joint Commission on National Dental Examinations within two (2) years from the date of licensure, the applicant's provisional teaching license shall be revoked.

(4) A teaching license shall be awarded to either full-time faculty or part-time faculty.

c. Provisional Fellowship License

(1) A Provisional Fellowship License shall authorize the licensee to perform only dentistry or dental hygiene adjunct to that individual's participation in any Board-approved fellowship program.

(2) A Provisional Fellowship License does not entitle the individual to practice dentistry or dental hygiene in any manner whatsoever outside the scope and responsibilities of that individual's participation in any Board-approved fellowship program, and any attempt to do so would be grounds for revocation of such license to practice dentistry or dental hygiene in the State of Mississippi.

(3) A Provisional Fellowship License may be awarded by the Board if the individual meets the following criteria:

(a) the applicant is a graduate of a fully accredited dental or dental hygiene school; and

(b) the applicant is certified by the Joint Commission on National Dental Examinations; and

(c) the applicant is licensed to practice dentistry or dental hygiene in at least one state in the United States; and

(d) the applicant has not failed the Mississippi dental or dental hygiene licensure examination; and

(e) the applicant is recommended for such licensure by the institution at which he/she is to participate in the Board-approved fellowship program; and

(f) the applicant accurately completes the appropriate application for licensure, submits to an interview before the Board, and successfully completes a jurisprudence examination prior to the actual commencement of participation in the Board-approved fellowship program.

(4) A Provisional Fellowship License shall be valid for one year and must be renewed annually by application to the Board.

(5) Provisional Fellowship Licenses shall be awarded only to full-time participants in any Board-approved fellowship program.

2. Limitations on Provisional Practice.

The policy of the State of Mississippi, as enacted by the Legislature in the Mississippi Dental Practice Act, is that only those persons who have taken and passed examinations administered and approved by this Board or who have been duly licensed to practice by credentials should be permitted to practice dentistry or dental hygiene in exchange for compensation from members of the public. Being bound by the enactment of the Legislature, the Board hereby adopts the following limitations on such practice, whether it be referred to as "intra-

mural" or otherwise, by faculty of any college of dentistry, college of dental hygiene or other dental auxiliary program.

a. Persons who are under hire as members of the faculty of any of said institutions prior to August 1, 1984, may continue to participate in "intramural" practice programs at their respective institutions until December 31, 1985. From and after December 31, 1985, no intramural practice by such current faculty members shall be permitted unless such faculty member has duly applied for, taken, and passed an examination for licensure in this state which is administered and approved by this Board.

b. Persons who are hired as members of the faculty of any of said institutions after August 1, 1984, shall be permitted to participate in intramural practice programs at their respective institutions only up to the date of the first examination for licensure administered and approved by this Board after the respective date of hire of such persons. From and after the date of such first examination, no faculty member hired after August 1, 1984, shall be permitted to engage in intramural practice unless such faculty member has applied for, taken, and passed an examination in this state which is administered and approved by this Board.

3. The types of specialty licensure.

The Board herein adopts the currently recognized dental specialties as defined by the American Dental Association (ADA). These dental specialties and their corresponding definitions are as follows:

a. **Dental Public Health.** Dental public health is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis. (Adopted May 1976, American Dental Association.)

b. **Endodontics.** Endodontics is the branch of dentistry which is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp, and associated periradicular conditions. (Adopted December 1983, American Dental Association.)

c. **Oral and Maxillofacial Pathology.** Oral pathology is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic,

biochemical, or other examinations. (Adopted May 1991, American Dental Association.)

- d. **Oral and Maxillofacial Radiology.** Oral and maxillofacial radiology is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region. (Adopted October 2001, American Dental Association.)
- e. **Oral and Maxillofacial Surgery.** Oral and maxillofacial surgery is the specialty of dentistry which includes the diagnosis, surgical, and adjunctive treatment of diseases, injuries, and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region. (Adopted October 1990, American Dental Association.)
- f. **Orthodontics and Dentofacial Orthopedics.** Orthodontics is that area of dentistry concerned with the supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception, and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application, and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and aesthetic harmony among facial and cranial structures. (Definition adopted December 1980 and Designation adopted October 1994, American Dental Association.)
- g. **Pediatric Dentistry.** Pediatric dentistry is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs. (Adopted 1995, American Dental Association.)
- h. **Periodontics.** Periodontics is that specialty of dentistry which encompasses the prevention, diagnosis, and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and aesthetics of these structures and tissues. (Adopted December 1992, American Dental Association.)
- i. **Prosthodontics.** Prosthodontics is that branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance, and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes. (Adopted May 1976, American Dental Association.)

Regulation Seven adopted by the Mississippi State Board of Dental Examiners March 28, 1974; amended June 5, 1977; amended March 10, 1978; amended September 1, 1979; amended June 7, 1984; amended November 6, 1987; amended September 25, 1992; amended June 7, 1994; amended December 2, 1994; amended May 28, 1997; amended November 3, 2000; amended September 14, 2001; amended September 13, 2002; amended May 9, 2003.

BOARD REGULATION 13 SUPERVISION AND DELEGATION OF DUTIES TO DENTAL AUXILIARY PERSONNEL

On September 13, 2002, the Board amended Regulation 13 to change Code section numbers to correlate to the renumbering caused by changes to the Mississippi Dental Practice Act approved during the 2002 Legislative Session. This regulation is not being reprinted in this newsletter.

BOARD REGULATION 25 RADIOLOGY PERMITS

On September 13, 2002, the Board amended Regulation 25 by removing language relating to the renewal of radiology permits and, instead, referencing the renewal language in Regulation 37. On November 1, 2002 the Board amended Regulation 25 to allow dental hygienists who are not licensed by the State of Mississippi but who are graduates of ADA-accredited dental hygiene programs to apply for a Mississippi radiology permit without having to successfully complete a radiology seminar. The Board also changed the words "dental assistants" to "dental auxiliaries" in all appropriate places. This regulation is being reprinted in its entirety in this newsletter.

Purpose: The 1985 Mississippi Dental Practice Act (Miss. Code Ann. §§ 73-9-1, et. seq., [Supp. 1985]) requires the Mississippi State Board of Dental Examiners to carry out the purposes and provisions of the laws pertaining to the practice of dentistry and dental hygiene in Mississippi. Section 73-9-5 of the Dental Practice Act provides that the Board may prohibit any auxiliary personnel from rendering service that it feels is not in the best interest of public welfare. It is the purpose of this Board regulation to (a) provide for the establishment of minimum standards for the issuance of permits to such persons who are found to be qualified to administer dental radiologic procedures; and (b) ensure that the administration of dental radiologic procedures by dental auxiliaries is consistent with the Board's duty to protect the interest of public welfare.

1. General Provisions:
 - Anyone other than a licensed dentist who desires to use ionizing radiation procedures in dentistry must obtain a radiology permit from the Board or be exempt as provided below:
 - a. Dental hygienists who are currently licensed in the State of Mississippi are considered to have satisfied the requirements of this regulation and will not be required to obtain a radiology permit. Dental hygienists who are not licensed in this State and who have graduated from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation (ADA) will be required to apply for a radiology permit; however, these dental hygienists will not be required to successfully complete a Board-approved radiology seminar

- prior to making application for a radiology permit.
- b. Dental auxiliaries currently certified by the Dental Assisting National Board, Inc. (DANB) will be required to apply for a radiology permit; however, these dental auxiliaries will not be required to successfully complete a Board-approved radiology seminar prior to making application for a radiology permit.
 - c. Dental auxiliaries currently certified by the Dental Assisting National Board, Inc. (DANB) and who also are graduates of ADA-accredited dental assisting programs will be required to apply for a radiology permit; however, these dental auxiliaries are considered to have satisfied the requirements of this regulation and will not be required to successfully complete a Board-approved radiology seminar prior to making application for a radiology permit. (See Section 1.d. for requirements concerning dental auxiliaries who only are graduates of ADA-accredited dental assisting programs.)
 - d. Dental auxiliaries not currently certified by DANB who have graduated from ADA-accredited dental assisting programs within twelve (12) months prior to making application for a radiology permit will be required to apply for a radiology permit; however, these dental auxiliaries will not be required to successfully complete a Board-approved radiology seminar prior to making application for a radiology permit.
 - e. Dental auxiliaries not otherwise qualified to apply for a radiology permit pursuant to Sections 1.a. through 1.d. shall, upon successful completion of a Board-approved radiology seminar, be eligible to make application for a radiology permit.
 - f. Dental students, dental hygiene students, and dental assisting students actively enrolled in Mississippi ADA-accredited dental, dental hygiene, or dental assisting programs do not need to make application for a radiology permit to administer radiographs in dental offices or other entities lawfully authorized to provide dental services while attending the above-referenced programs. However, the Board must receive a letter from the dental, dental hygiene, or dental assisting dean or program head certifying as to a student's successful completion of the program's radiology coursework prior to that student administering radiographs in dental offices or other entities lawfully authorized to provide dental services while attending the above-referenced programs.
2. Board-Approved Radiology Seminars and Issuance of Radiology Permits:
- a. All radiology seminars must be approved in advance by the Board and include a clinical component which adequately tests the dental auxiliary's ability to administer radiographs.
 - b. All radiology seminars must be a minimum of eight (8) hours in length.
 - c. All radiology seminars must include a written examination at the conclusion of the seminar.
 - d. To make application for a radiology permit, a dental auxiliary must submit proof of successful completion of a Board-approved radiology seminar and the proper credentials as outlined hereafter to the Board within ninety (90) days

- following completion of the radiology seminar. If the dental auxiliary does not submit such proof on a timely basis, the dental auxiliary shall be required to receive a passing grade on a radiology examination administered by the Board or attend and successfully complete another Board-approved radiology seminar and afterwards submit the proper credentials within ninety (90) days as outlined hereafter.
- e. To apply for a radiology permit, an applicant must submit the following:
 - (1) Fully completed and signed application for a radiology permit;
 - (2) Certified check or money order to cover the application fee and first year's renewal fee; and
 - (3) Proof of compliance with the appropriate requirements set forth in Section 1.
3. Re-Issuance of Expired Permits:
A person who previously has held a permit to administer radiographs in this state but has not kept the permit current will be required to complete all requirements as set out herein for original applicants.
4. Renewal of Radiology Permits:
- a. The State Board of Dental Examiners shall maintain a compiled list of names and post office addresses for all persons who have applied for and been issued a radiology permit. Every person holding a radiology permit shall promptly keep the Board advised of any change of mailing address, home telephone number, employer, and office telephone number.
 - b. Every person who holds a radiology permit shall, together with the required information and specified renewal fee, apply for renewal of such permit in accordance with the renewal requirements stipulated in Board Regulation 37. Any permit not renewed by the deadlines set forth in Board Regulation 37 will be voided for a failure to re-register.
 - c. If the payment of the renewal fee is not received by the Board on or before the deadline stipulated in Board Regulation 37, the Board may enact and enforce a penalty for the delinquent payment of the renewal fee, such penalty to be established by Board Regulation 37.
 - d. Refer to Board Regulation 37 for the current fee schedule for applications for radiology permits, renewal of radiology permits, and penalties for delinquent renewal of radiology permits.
5. Enforcement:
Licensed dentists who allow dental auxiliaries to expose radiographs without complying with this regulation shall be considered in violation of Section 73-9-61 of the Mississippi Code of 1972, Annotated, and may, at the Board's discretion, be subject to license revocation, suspension, or other action thereon.

Regulation Twenty-Five adopted by the Mississippi State Board of Dental Examiners June 4, 1985; amended September 13, 1991; amended September 25, 1992; amended December 2, 1994; amended June 12, 1996; amended August 23, 1996; amended October 4, 1996; amended June 27, 1997; amended July 25, 1997; amended August 29, 1997; amended September 26, 1997; amended September 13, 2002; amended November 1, 2002.

**BOARD REGULATION 37
LICENSE RENEWAL AND FEE SCHEDULE**

On July 19, 2002, the Board amended Regulation 37 by changing the renewal period to run September 1 through October 31 each year followed by a two-month penalty phase. On May 18, 2003, the Board amended Regulation 37 to increase various fees, e.g., annual renewal fees, licensure examination fees, and application fees. The last fee increase was five (5) years ago, and seven (7) years prior to that increase. Also, a survey conducted among the other regulatory boards in the State of Mississippi indicates that the average amount of time between fee increases is three (3) years, and the Board averages five (5) to seven (7) years. Furthermore, the Board has utilized cash carryover in its Treasury fund for several years in lieu of increasing fees; however, that Treasury fund balance is critically low and no longer capable of absorbing unanticipated expenditures and/or costly litigation expenses. Additionally, the Board has made every effort to curtail expenditures each year to delay fee increases as long as possible (e.g., deliberately holding open vacant positions; delaying critically needed upgrades and implementation of long-range projects such as optically imaging files; etc.). Also, because it was necessary for the Board to increase fees, the Board has delayed implementation of bi-annual renewal another year. Board Regulation 37 is reprinted in its entirety in this newsletter.

Pursuant to the provisions in Miss. Code Ann. §§ 73-9-13, 73-9-19, and 73-9-43, the Board shall establish procedures for the renewal of all licenses and permits issued by the Board and collect in advance all fees as provided for in this Regulation and as currently established by the Board:

**Renewal of Licenses and
Permits Issued by the Board**

All licenses and permits issued by the Board shall be renewed on an annual basis sixty (60) days prior to November 1. A two-month penalty phase shall be effective November 1 for licenses and permits not renewed on or before October 31, and any licenses and permits not renewed on or before December 31 shall be voided on January 1 for a failure to renew.

The payment of the renewal fee by any dentist or dental hygienist who receives a Mississippi license by credentials, or by any dental assistant who receives a Mississippi radiology permit, within the ninety-day (90-day) period prior to September 1, shall satisfy the renewal fee requirements for the renewal period during which licensure or permit status was granted and for the upcoming renewal period beginning September 1 of that current year. The payment of the renewal fee for impaired licensees is mandatory for all currently licensed dentists.

Current Board Fees

Application for dental license	\$500.00
Application for dental license through credentials	\$2,000.00
Application for dental specialty license	\$300.00
Application for dental institutional, teaching, or provisional license	\$25.00
Application for dental hygiene license	\$300.00
Application for dental hygiene license through credentials	\$500.00
Application for dental hygiene institutional, teaching, or provisional license	\$25.00
Application for general anesthesia permit	\$300.00
Application for IV sedation permit	\$300.00
Application for radiology permit	\$60.00

Annual dental license renewal	\$200.00
Annual dental specialty license renewal	\$125.00
Annual dental institutional, teaching, or provisional license renewal	\$200.00
Annual dental hygiene license renewal	\$100.00
Annual dental hygiene institutional, teaching, or provisional license renewal	\$100.00
Annual general anesthesia permit renewal	\$150.00
Annual IV sedation permit renewal	\$150.00
Annual radiology permit renewal	\$30.00
Penalty for delinquent renewal of dental licenses; dental specialty licenses; and dental institutional, teaching, and provisional licenses	
November 1 - November 30 (plus renewal fee)	\$50.00
December 1 - December 31 (plus renewal fee)	\$100.00
Penalty for delinquent renewal of dental hygiene licenses and dental hygiene institutional, teaching, and provisional licenses	
November 1 - November 30 (plus renewal fee)	\$25.00
December 1 - December 31 (plus renewal fee)	\$50.00
Penalty for delinquent renewal of radiology permits	
November 1 - November 30 (plus renewal fee)	\$20.00
December 1 - December 31 (plus renewal fee)	\$40.00
Annual impaired practitioner renewal fee	\$25.00
Penalty for non-notification of change of address	\$10.00
Penalty for duplicate renewal forms and certification cards	\$10.00
Duplicate or replacement license or permit	\$20.00
Certified copy of license or permit	\$20.00
Certification of licensure status	\$20.00
Handling fee for non-sufficient funds check	\$50.00
Requests for database information	
Labels and printouts	\$125.00
Diskettes	\$150.00
Radiology examinations administered in Board's office	\$25.00
Dental and dental hygiene licensure examination manuals	\$15.00
Dental and dental hygiene licensure by credentials packets	\$10.00
Laws and/or regulations	
One copy	\$10.00
Additional copies (per copy)	\$5.00
Disciplinary action orders (per copy)	\$5.00
Newsletters (per copy)	\$2.50

Board Regulation Thirty-Seven adopted by the Mississippi State Board of Dental Examiners on September 25, 1992; amended December 8, 1995; amended October 4, 1996; amended May 27, 1997; amended January 23, 1998; amended May 29, 1998; amended May 12, 2000; amended November 3, 2000; amended July 19, 2002; amended May 18, 2003.

**BOARD REGULATION 43
ADVERTISING**

On December 6, 2002, the Board amended Regulation 43 by completely revamping this regulation. Many important changes were made to Regulation 43, and it is reprinted in its entirety in this newsletter. **Please very carefully read this regulation and immediately initiate the appropriate changes to any and all dental advertising.**

Purpose: The purpose of this regulation is to ensure that the public has access to information which provides a sufficient basis upon which to make an informed selection of dentists, while also ensuring that the public is protected from false or misleading advertisements which would detract from a fair and rational selection process. Accordingly, the Board shall adopt rules which shall regulate the manner of such advertising in keeping with the provisions hereof.

1. For the purposes of Miss. Code Ann. § 73-9-61, "advertising" shall include any information communicated in a manner designed to attract public attention to the practice of the licensee.

2. A dentist may provide information regarding himself or herself, his or her practice, and fixed fees associated with dental services in various forms of public communications. The responsibility for the form and content of an advertisement offering services or goods by a dentist shall be jointly and severally that of each professional who is a principal, partner, officer, or associate of the firm or entity identified in the advertisement.
3. All advertisements shall contain the full name and degree of the practitioner who will provide services. If services are referenced in the advertisement, the advertisement shall state either "general practice" or "general dentistry," or the American Dental Association recognized specialty that the practitioner practices immediately following the name and degree of the practitioner. The word "family" may be substituted for the word "general."
4. The Board may require a dentist to substantiate the truthfulness of any assertion or representation of material fact set forth in an advertisement. At the time an advertisement is placed, the dentist must then possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion or representation of material fact set forth in such advertisement. The failure to possess and rely upon such information at the time the advertisement is placed, as well as the failure to provide such factual substantiation to support a representation or assertion when requested by the Board, shall be deemed unprofessional conduct as set forth in Miss. Code Ann. § 73-9-61(1)(l).
5. A video and/or audio tape of every advertisement communicated by electronic media or copies of printed advertisements shall be retained by the dentist for a period of two (2) years and be made available for review upon request by the Board or its designee.
6. Advertising that references a fee or fees, or a service for no fee, must clearly define the professional service being offered in the advertisement. Such advertised offers shall be presumed to include everything ordinarily required for such a service. No additional fees may be charged unless the advertisement includes the following disclaimer: "**Additional fees may be incurred in individual cases.**"
7. No advertisement by a licensed dentist shall contain any false, fraudulent, misleading, or deceptive statement or claim. The following acts or omissions in the context of advertising by any licensee shall constitute unprofessional conduct as set forth in Miss. Code Ann. § 73-9-61(1)(l), and subject the licensee to disciplinary action:
 - a. Contains misrepresentations of fact.
 - b. Misleads or deceives, or is likely to mislead or deceive, because in context the advertisement makes only a partial disclosure of relevant facts.
 - c. Contains laudatory statements about the dentist or group of dentists.
 - d. Creates, or is likely to create, false and unjustified expectations of favorable results.
 - e. Relates to the quality of dental services provided as compared to other available dental services.
 - f. Appeals, or is likely to appeal, primarily to a layperson's fears.

- g. Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or to be deceived.
- h. Communicates personal identifiable facts, data, or information without first obtaining the patient's consent.
- i. Fails to disclose the fact of giving compensation or anything of value to representatives of the press, radio, television or other communicative medium (e.g., newspapers or telephone directories) in anticipation of or in return for any advertisement, unless the nature, format, or medium of such advertisement make the fact of compensation apparent.
- j. Directly or indirectly offers, gives, or agrees to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services.

Regulation Forty-Three adopted by the Mississippi State Board of Dental Examiners on February 5, 1993; amended April 21, 1995; amended May 30, 1995; amended March 8, 1996; amended December 6, 1996; amended March 7, 1997; amended August 27, 1999; amended November 3, 2000; amended July 20, 2001; amended December 6, 2002.

BOARD REGULATION 49 ACTIVE STATUS

On September 13, 2002, the Board amended Regulation 49 to change Code section numbers to correlate to the renumbering caused by changes to the Mississippi Dental Practice Act approved during the 2002 Legislative Session. On February 28, 2003, the Board amended Regulation 49 to stipulate that clinical assessments (for licensees who have been inactive and not practicing in another state or jurisdiction for three or more years) will be given twice each year: once during the annual licensure examinations; and again during the month of December. This regulation is not being reprinted in this newsletter.

BOARD REGULATION 55 TRADE NAMES AND CORPORATE PRACTICE

On December 6, 2002, the Board amended Regulation 55, which deals with the corporate practice of dentistry, by adding the language formerly in Regulation 43 dealing with fictitious names. Also, the Board changed the phrase "fictitious names" to "corporate or trade names" in all appropriate places. Please remember that anyone advertising under a name other than his/her given name and degree will be required to apply for approval of that "corporate or trade" name prior to using it for advertising purposes. Examples would be "Tylertown Dental Associates," "Dental Care of Bay St. Louis," "Smiles by Smith," etc. This regulation is not being reprinted in this newsletter.

BOARD REGULATION 57 CONSULTATIVE OR OPERATIVE TREATMENT BY DENTISTS NOT LICENSED IN MISSISSIPPI

On September 13, 2002, the Board amended Regulation 57 to change Code section numbers to correlate to the renumbering caused by changes to the Mississippi Dental Practice Act approved during the 2002 Legislative Session. This regulation is not being reprinted in this newsletter.

LEGISLATIVE ISSUES



During the 2003 Legislative Session, the Board proposed changes to two (2) sections of the Mississippi Dental Practice Act. These changes affected Code §§ 73-9-23 (licensure by examination) and 73-9-24 (licensure by credentials). These changes are summarized as follows:

Miss. Code Ann. § 73-9-23: The word “general” was removed from Miss. Code Ann. § 73-9-23(3)(e) in an effort to allow specialty residency training at a program accredited by the American Dental Association (ADA) to qualify a foreign-trained applicant to participate in the annual dental licensure examination. With the prior wording, only those foreign-trained applicants who complete ADA post-doctoral “general” dental education qualified for licensure by examination.

Miss. Code Ann. § 73-9-24: Language was added to Miss. Code Ann. § 73-9-24(1)(g) requiring an applicant to have successfully completed a licensure examination at some point in the applicant’s career to qualify for licensure by credentials. The Board is of the opinion that in order to gain licensure by credentials, the clinical skills of the applicant must be tested by the licensing authority of a state or jurisdiction.

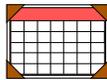


THINGS TO NOTE

- At its September 13, 2002 Board meeting, the Board made the following determination with respect to use of the word “affordable” in advertising:
The Mississippi State Board of Dental Examiners has recently re-evaluated its position as to use of the word “affordable” in dental advertising and signage, and whether use of such a term would be in violation of Board Regulation 43, prohibiting any advertisement deemed to be misleading to the public. Although, previously, the Board determined that use of the term “affordable” may be misleading, i.e., what is affordable to one person may not be to another, the Board has determined, based on advice of legal counsel, not to prohibit use of the word “affordable” in advertising and signage, provided all other aspects of the advertisement and/or signage comply with Board Regulation 43.
- The following determinations have been made by the Board regarding appropriate procedures performed by dental auxiliaries.
 - Licensed Mississippi dental hygienists and dental assistants **MAY** place sealants under the direct supervision of a licensed Mississippi dentist.
 - Licensed Mississippi dental hygienists and dental assistants **MAY** perform tooth whitening procedures under the direct supervision of a licensed Mississippi dentist.
 - Licensed Mississippi dental hygienists and dental assistants **MAY** apply topical anesthetics

- under the direct supervision of a licensed Mississippi dentist.
- Licensed Mississippi dental hygienists **MAY NOT** perform gingival curettage with Biolase; however, licensed Mississippi dentists may use Biolase for gingival curettage.
- Licensed Mississippi nurses **MAY NOT** administer local anesthetics in the dental office. **ONLY** a licensed Mississippi dentist may administer local anesthetics in the dental office.
- The Board conducts an annual random continuing education compliance audit, and all continuing education records should be maintained a minimum of three (3) years from the date of course attendance, Licensees should refer to Board Regulation 41 for information as to approved continuing education sponsors and types of acceptable continuing education. Audit cycles cover two-year reporting periods, and the next audit cycle will cover the period September 1, 2001 through August 31, 2003. Subsequent audit cycles will cover: September 1, 2002 through August 31, 2004; September 1, 2003 through August 31, 2005; etc.
- The Board accepts continuing education programs offered via “registered” and “approved” dental study clubs throughout the State of Mississippi. Please keep in mind that these dental study clubs must be approved by the Mississippi Dental Association (MDA) and must be registered annually to maintain their approved status.
- Anesthesia permit site visits are required when permit holders move or open new offices and when permits are first issued, even if dentists may be practicing in offices where anesthesia permit holders already practice and have had site visits.
- Please remember that a dentist **MAY NOT** refuse to give a patient his/her records upon request if the patient owes a balance for services rendered. The ADA Code of Ethics and Board Regulation 53 prohibit this. Many telephone calls from potential complainants involve this very issue, and the Board tries to mediate whenever possible.
- Annual renewal is just around the corner!** Renewal notices will be mailed the last week of August for the 2003-2004 renewal period. Renewal occurs September 1 through October 31, followed by a two-month penalty phase. However, all licenses/permits not renewed on or before December 31 will be voided on January 1, 2004 for a failure to re-register.
- Don’t forget to immediately submit all name, address, employer, etc., changes to the Board either via United States Postal Service, facsimile, or our web site. You may send the Board an e-mail, or you may use the change of information form on the Board’s web site to inform the Board of any changed information.
- Licensees who are listed on “Inactive” status for three (3) or more years and who have not practiced in another state or jurisdiction during that time may be subject to a clinical assessment prior to returning to “Active” status. Clinical assessments are administered only two (2) times each year: (a) during the annual licensure examinations; and (b) during the month of December. Please keep these clinical assessment schedules in mind when making plans to return to active status.

NOTEWORTHY DATES



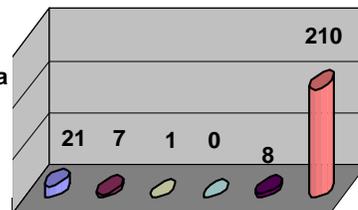
As the Mississippi State Board of Dental Examiners is a legislatively-mandated regulatory agency, its meetings are open to the public. However, due to the confidential and/or sensitive nature of certain aspects of the Board's business, the Board may vote to go into "Executive Session." Also, no items will be added to the agenda of any Board meeting as of one week prior to the date of that meeting. All meetings are held at Suite 100, 600 East Amite Street, Jackson, Mississippi; however, please call the office prior to any meeting to verify the correct date and time. You also may check the Board's web site (<http://www.msbd.state.ms.us>) to verify Board meeting and other dates by clicking the "Important Dates" button. The following dates have been tentatively set aside through December 2003 for Board meetings:

- July 18, 2003*
- August 15, 2003 (Re-Take Examination Only)*
- September 5, 2003*
- October 10, 2003*
- November 21, 2003*

Please visit the Board's web site to familiarize yourself with upcoming dates for Board-approved radiology permit seminars. Seminars are offered through Gulf Coast Community College, Hinds Community College, Louisiana State University, Meridian Community College, Northeast Mississippi Community College, and Pearl River Community College. Remember that no one, other than a currently licensed Mississippi dentist or dental hygienist, may administer radiographs in the dental office without first obtaining a radiology permit from the Board.

Licenses and Permits Issued 07/01/2002 through 05/31/2003

- Dental
- Specialty
- General Anesthesia
- IV Sedation
- Dental Hygiene
- Radiology Permits



MSBDE BOARD MEMBERS

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Marion Lewis Grubbs, D.M.D. District Four, Jackson	Rhonda C. Harper, R.D.H. State-at-Large Dental Hygiene Member, Pass Christian
Gene Norris Howell, Jr., D.D.S. District One, Ripley	Charles G. Purifoy, D.D.S. District Two, Greenwood

MSBDE STAFF

Leah Diane Howell Executive Director	Lisa D. Anguizola Purchasing Agent II
Debbie K. Burton Secretary-Administrative Confidential	Vera G. Holloway Special Projects Officer IV
Linda A. King Licensing Officer, Professional	Karen S. Wilson Licensing Investigator IV
Vacant Position Investigator II	

DISCIPLINARY ACTIONS

The following report on disciplinary actions covers the period July 3, 2002 through May 9, 2003. According to State law, investigations by the Board are confidential until official action is taken. The following is merely a summary of each disciplinary action taken and should not be interpreted as a complete statement of all facts and matters involved in each docket. Also, the Board typically includes several provisions in its orders which may not be summarized here. Although great care has been taken to ensure accuracy of the information provided hereafter, inadvertent errors may appear, and no entity should initiate an adverse action against a dentist, dental hygienist, or radiology permit holder based solely on the following information. Rather, the reader should request a copy of the Board's order (\$5.00 per copy) prior to making any decisions affecting licensees. Further, it should be noted that the names of persons herein provided may be similar to the names of persons who have not had disciplinary actions or corrective measures taken by the Board. A Consent Order is a negotiation between the Board and the licensee and is a procedure for resolution of a disciplinary action without the necessity of a formal hearing, and a voluntary surrender of a license has the same effect as a full revocation.



Barrow, III, D.D.S., John Hodge; Laurel, MS; MSBDE Docket No. 2003-003

Allegation: Failure to document 40 hours of continuing education during the 2000-2002 compliance audit.
Date/Action: 02/28/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$500.00 fine; \$150.00 costs.

Beamon, D.M.D., Vernon Frederick; Gulfport, MS; MSBDE Docket No. 2002-059

Allegation: Failure to list disclaimer when listing services, i.e., "Preventative Dentistry, Cosmetic Dentistry, Crowns & Bridges, Teeth Whitening, Root Canals, Restorative, Extractions, Dentures, Implants."
Date/Action: 01/10/2003
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$100.00 fine; \$110.00 costs.

Choujnard, Jr., D.M.D., Normand R.; Gulfport, MS; MSBDE Docket No. 2003-005

Allegation: Failure to include disclaimer when listing services, i.e., "Oral Surgery, Cosmetics, Endodontics, Prevention"; indicating specialization in a particular area of dentistry without holding the required specialty license; failure to register a corporate name with the Board prior to use.
Date/Action: 05/09/03
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$150.00 fine; \$200.00 costs.

Collins, D.M.D., Joby Davis; Tupelo, MS; MSBDE Docket No. 2002-070

Allegation: Failure to document 40 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 02/28/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$500.00 fine; \$150.00 costs.

Drake, D.D.S., Thomas Edward; Pass Christian, MS; MSBDE Docket No. 2002-009

Allegation: Failure to include disclaimer when listing services, i.e., "Denture Art"; failure to include name in advertisement; and stated a fee but not the entire range, i.e., "Prices from \$265."
Date/Action: 05/09/2003
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$300.00 fine; \$1,855.39 costs.

Generally, R.D.H., Leah Prewitt; Leland, MS; MSBDE Docket No. 2002-068

Allegation: Failure to document 20 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 02/28/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$250.00 fine; \$180.00 costs.

Hallman, R.D.H., Stacey Mignon; Forest, MS; MSBDE Docket No. 2003-001

Allegation: Failure to document 20 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 02/28/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$250.00 fine; \$150.00 costs.

Hathorn, D.M.D., Randy Scott; Bassfield, MS; MSBDE Docket No. 2003-004

Allegation: Failure to document 40 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 5/09/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$500.00 fine; \$150.00 costs.

Johnston, D.M.D., Brian Edwin; Jackson, MS; MSBDE Docket No. 2002-024

Allegation: Failure to run the required disclaimer when listing services to be performed, i.e., "Endodontics"; use of the word "endodontics" in a manner implying specialty in that field; and using words or phrases such as "modern techniques."
Date/Action: 09/13/2002
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$700.00 fine; \$130.00 costs.

Allegation: Failure to run the required disclaimer when listing services to be performed, i.e., "Cosmetic Dentistry."
Date/Action: 01/10/2003
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$500.00 fine; \$200.00 costs.

Lawhon, R.D.H., Margaret E.; Gulfport, MS; MSBDE Docket No. 2002-071

Allegation: Failure to document 20 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 02/28/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$250.00 fine; \$150.00 costs.

Lee, R.D.H., Penny Anderson; Forest, MS; MSBDE Docket No. 2002-026

Allegation: Habitual personal use of intoxicants rendering licensee unfit to practice dental hygiene with reasonable skill and safety to patients.
Date/Action: 02/28/03
Disposition: Consent Order. Successfully complete treatment; appear before Board before returning to practice; unannounced urine/blood/hair screens; \$500.00 costs.

Malavasi, R.D.H., Mary Catherine: Hernando, MS; MSBDE Docket No. 2002-067
Allegation: Failure to document 20 hours of continuing education for the 2000-2002 compliance audit.
Date/Action: 01/10/2003
Disposition: Consent Order. Ensure future compliance with CE/CPR regulations; \$250.00 fine; \$100.00 costs.

Spencer, D.M.D., Timothy Eugene: Olive Branch, MS; MSBDE Docket Nos. 2002-020 and 2002-045
Allegation: Habitual personal use of intoxicants rendering licensee unfit to practice dentistry with reasonable skill and safety to patients.
Date/Action: 07/03/02
Disposition: Summary Suspension of License.

Allegation: Habitual personal use of intoxicants; and administering anesthesia without a permit.
Date/Action: 12/06/02
Disposition: Administrative Order. Successfully complete all phases of treatment; appear before Board before returning to practice; unannounced urine/blood/hair screens; \$200.00 fine; \$5,021.41 costs.

Valentine, D.M.D., Brett Alan: Sumrall, MS; MSBDE Docket No. 2002-063
Allegation: Failure to include dentist's name in an advertisement.
Date/Action: 01/10/2003
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$50.00 fine; \$80.00 costs.

West, D.D.S., Michael H.: Hattiesburg, MS; MSBDE Docket No. 2002-033
Allegation: Failure to include the required disclaimer when listing services, i.e., "Cosmetic Dentistry" and "Teeth Whitening"; incorporating in the same advertisement "General Dentistry" and "Family Dentistry."
Date/Action: 09/13/2002
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$100.00 fine; \$90.00 costs.

Wolfe, Jr., D.M.D., Lloyd B.: Florence, MS; MSBDE Docket No. 2002-016
Allegation: Incorporated in radio announcement statement that dental procedure could be performed without causing any pain.
Date/Action: 01/10/2003
Disposition: Consent Order. Submit proof of CE/CPR; ensure all future advertisements comply with regulation; \$50.00 fine; \$750.00 costs.

\$\$\$ CURRENT MSBDE FEES \$\$\$

Application for Dental License by Examination	\$500.00	Annual IV Sedation Permit Renewal	\$150.00
Application for Dental Hygiene License by Examination	\$300.00	Duplicate License or Permit	\$20.00
Application for Dental License by Credentials	\$2,000.00	Certification of Licensure or Permit Status	\$20.00
Application for Dental Hygiene License by Credentials	\$500.00	Certified Copy of License or Permit	\$20.00
Application for All Types of Provisional Licenses	\$25.00	Handling Fee for Insufficient Funds Checks	\$50.00
Application for Specialty License	\$3,300.00	Requests for Database Information	
Application for General Anesthesia Permit	\$3,300.00	Labels & Printouts	\$125.00
Application for IV Sedation Permit	\$3,300.00	Diskettes	\$150.00
Application for Radiology Permit (Includes Initial Renewal)	\$900.00	Radiology Examinations Administered in MSBDE Offices	\$25.00
Annual Dental License Renewal	\$200.00	One Copy of MSBDE Laws and/or Regulations	\$10.00
Annual Dental Specialty License Renewal	\$125.00	Additional Copies (Per Copy)	\$5.00
Annual Dental Hygienist License Renewal	\$100.00	Duplicate Renewal Forms, Certification Cards, or	
Annual Dental Provisional License Renewal	\$200.00	Non-Notification of Change of Address	\$10.00
Annual Dental Hygienist Provisional License Renewal	\$100.00	Disciplinary Orders (Per Copy)	\$5.00
Annual Radiology Permit Renewal	\$30.00	Newsletter (Per Copy)	\$2.50
Annual General Anesthesia Permit Renewal	\$150.00		

MSBDE NEWSLETTER

Suite 100
 600 East Amite Street
 Jackson, MS 39201-2801



**MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS
 SUITE 100, 600 EAST AMITE STREET
 JACKSON, MS 39201-2801**

PRRST STD
U.S. POSTAGE PAID
JACKSON, MS
PERMIT NO. 437

MSBDE NEWSLETTER
Suite 100
600 East Amite Street
Jackson, MS 39201-2801

CHANGE OF ADDRESS NOTIFICATION

Pursuant to Miss. Code Ann. § 73-9-19, every licensed dentist and dental hygienist "shall immediately keep the board advised of any change in address of his office or residence." Additionally, Board Regulation 25, 4.a., stipulates that "[e]very person holding a radiology permit shall promptly keep the Board advised of any change of mailing address." Therefore, if you have changed your employer, home, business, mailing, or satellite address/telephone, please use this form to notify the MSBDE of such. Otherwise, keep this form in your files should you need to notify the MSBDE of a future change of information. You may cut along the dotted line, affix a postage stamp to the reverse side of this form, and mail it directly to the Mississippi State Board of Dental Examiners. If you wish, you may send this form via facsimile to (601)944-9624, or you may e-mail any changes via the Board's web site (<http://www.msbde.state.ms.us>). Please call (601)944-9622 if you have any questions.

Full Name: _____ MS License No.: _____

Old Address: _____

New Address: _____

Telephone: _____ Effective Date of Change: _____

Employer: _____

Type of Change: Home Address Office Address Mailing Address Satellite Address